

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with B.J. Sadoff on July 16, 2010.

The Rule 132 Declaration filed May 21, 2010 has been entered.

The application has been amended as follows:

1. (Currently Amended) A method to increase yield and/or biomass, said method comprising introducing and expressing in a plant a recombinant nucleic acid comprising a nucleic acid which is at least 95% identical to SEQ ID NO:1835 operably linked to a plant-expressible promoter, wherein said yield and/or biomass are increased relative to corresponding wild type plants.

4. (Currently Amended) The [[A]] method according to claim 1, wherein said increased yield and/or biomass[[.,]] comprises increased seed yield.

Art Unit: 1638

10. (Currently Amended) The [[A]] method according to claim 1, comprising overexpression of said nucleic acid.

13. (Currently Amended) A transgenic plant obtainable by the [a] method according to claim 1.

14. (Currently Amended) A ~~transgenic~~ plant which is transgenic for, ~~or has been transformed with,~~ an isolated nucleic acid sequence which is at least 95% identical to SEQ ID NO:1835, wherein said transgenic plant has increased yield and/or biomass relative to corresponding wild type plants.

40. (Currently Amended) A method to increase yield and/or biomass, said method comprising introducing and expressing in a plant a recombinant nucleic acid comprising a nucleic acid which is at least 95% identical to a sequence encoding SEQ ID NO:1836 operably linked to a plant-expressible promoter, wherein the yield and/or biomass are increased relative to corresponding wild type plants.

43. (Currently Amended) The [[A]] method according to claim 40, wherein said increased yield and/or biomass[[,]] comprises increased seed yield.

44. (Currently Amended) The [[A]] method according to claim 40, comprising overexpression of said nucleic acid.

Art Unit: 1638

47. (Currently Amended) A transgenic plant obtainable by the [[a]] method according to claim 40.

48. (Currently Amended) A transgenic plant comprising a heterologous nucleic acid sequence which is at least 95% identical to a sequence encoding SEQ ID NO: 1836, wherein said transgenic plant has increased yield and/or biomass relative to corresponding wild type plants.

51. (new) The method according to claims 1 or 40, wherein said plant expressible promoter is a constitutive GOS2 promoter or a seed-preferred prolamin promoter.

52. (new) The transgenic plant according to claims 13, 14, 47 or 48, wherein the plant is a rice plant.

Support for the amendments to claims 4, 10, 13, 14, 40, 43, 44, 47 and 48, and for new claim 51, may be found in the originally filed claims.

Support for new claim 52 may be found in the specification at page 30 line 17 and in Example 12 pages 69-76.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia Collins whose telephone number is (571) 272-0794. The examiner can normally be reached on Monday-Friday 8:45 AM -5:15 PM.

Art Unit: 1638

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on (571) 272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cynthia Collins/  
Primary Examiner, Art Unit 1638

CC